

**BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**MICHAEL GLEN DOLIN, M.D.  
Certificate #G-28970**

**Respondent.**

**File No: 16-95-57472**


**DECISION AND ORDER**

The attached Default Decision and Order is hereby accepted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on September 16, 1996.

DATED August 16, 1996.

**DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
Ira Lubell, M.D.  
Chair, Panel A

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 GAIL M. HEPPELL, Supervising  
Deputy Attorney General  
3 ROBERT C. MILLER (State Bar No. 125422)  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 324-5161  
6

7 **Attorneys for Complainant**

8 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation ) Case No. 16-95-57472  
Against: )  
12 )  
MICHAEL GLEN DOLIN, M.D. ) **DEFAULT DECISION**  
13 918 Meadow Lane )  
Henderson, North Carolina 27536 )  
14 )  
California Physician's and )  
15 Surgeon's Certificate No. G28970 )  
16 Respondent. )  
17

18 On or about April 30, 1996, the respondent was served  
19 with an Accusation in case number 16-95-57472, a Statement to  
20 Respondent, Notice of Defense in blank, and copies of relevant  
21 sections of the California Administrative Procedure Act, as  
22 required by Sections 11503 and 11505 of the Government Code.

23 On or about April 30, 1996, service was accomplished by  
24 certified mail directed to the last address for respondent on  
25 file with the Medical Board of California. (See attached Exhibit  
26 1.)

27 Respondent Michael Glen Dolin, M.D., failed to file a  
28 Notice of Defense within the 15 days allowed by Section 11506 of

1 the Government Code. As a result, the default of respondent was  
2 entered. Respondent has thereby waived his right to a hearing to  
3 contest the Accusation and the Medical Board of California now  
4 proceeds without hearing to take action based upon the  
5 Accusation, declarations and documentary evidence on file in  
6 accordance with Government Code sections 11505, subdivision (a),  
7 and 11520.

8  
9 **FINDINGS OF FACT**

10 The allegations of the Accusation, a true and correct  
11 copy of which is attached as Exhibit 2 and incorporated by  
12 reference herein, are found to be true.

13  
14 **DETERMINATION OF ISSUES**

15 Pursuant to the foregoing Findings of Fact, respondent  
16 has committed acts constituting unprofessional conduct in  
17 violation of Business and Professions Code sections 2227, 2234,  
18 and 2305.

19  
20 **DISCIPLINARY ORDER**

21 **WHEREFORE**, the following order is made:

22 Physician's and Surgeon's Certificate Number G-28970  
23 issued to Michael Glen Dolin, M.D., is revoked.

24 Respondent shall not be deprived of making any further  
25 showing by way of mitigation; however, such showing must be made  
26 in writing to the medical Board of California, 1426 Howe Avenue,

27 ///

28 ///

1 Sacramento, California 95825-3236, prior to the effective date  
2 of this decision.

3 DATED: July 17, 1996

4 DANIEL E. LUNGREN, Attorney General  
5 of the State of California  
6 GAIL M. HEPPELL, Supervising  
7 Deputy Attorney General

8   
9 ROBERT C. MILLER  
10 Deputy Attorney General

11 **Attorneys for Complainant**

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

DANIEL E. LUNGREN, Attorney General  
of the State of California  
JANA L. TUTON  
Supervising Deputy Attorney General  
ROBERT C. MILLER  
Deputy Attorney General  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, California 94244-2550  
Telephone: (916) 324-5161

Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation ) Case No. 16-95-57472  
Against: )

MICHAEL GLEN DOLIN, M.D. ) ACCUSATION  
918 Meadow Lane )  
Henderson, North Carolina 27536 )  
California Physician's and Surgeon's )  
Certificate No. G28970 )  
Respondent. )

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive  
Director of the Medical Board of California (hereinafter the  
"Board") and brings this accusation solely in his official  
capacity.

2. On or about March 17, 1975, Physician's and  
Surgeon's Certificate No. G28970 was issued by the Board to  
Michael Glen Dolin, M.D. (hereinafter "respondent"), and at all  
times relevant to the charges brought herein, this license has

1 been in full force and effect. Unless renewed, the license will  
2 expire July 31, 1997.

### 3 JURISDICTION

4 3. This accusation is brought before the Division of  
5 Medical Quality of the Medical Board of California, Department of  
6 Consumer Affairs (hereinafter the "Division"), under the  
7 authority of the following sections of the California Business  
8 and Professions Code (hereinafter "Code"):

9 A. Section 2227 of the Code provides that the Board  
10 may revoke, suspend for a period not to exceed one year, or  
11 place on probation, the license of any licensee who has been  
12 found guilty under the Medical Practice Act.

13 B. Section 125.3 of the Code provides, in part, that  
14 the Board may request the administrative law judge to direct  
15 any licentiate found to have committed a violation or  
16 violations of the licensing act, to pay the Board a sum not  
17 to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

19 C. Section 118(b) of the Code provides, in part, that  
20 the expiration of a license shall not deprive the Board of  
21 jurisdiction to proceed with a disciplinary action during  
22 the time within which the license may be renewed, restored,  
23 or reinstated.

24 D. Section 2428 of the Code provides, in part,  
25 that a license which has expired may be renewed any  
26 time within five years after expiration.

27 E. Section 141 of the Code provides:

1           "(a) For any licensee holding a license issued by  
2 a board under the jurisdiction of the department, a  
3 disciplinary action taken by another state, by any  
4 agency of the federal government, or by another country  
5 for any act substantially related to the practice  
6 regulated by the California license, may be a ground  
7 for disciplinary action by the respective state  
8 licensing board. A certified copy of the record of the  
9 disciplinary action taken against the licensee by  
10 another state, an agency of the federal government, or  
11 another country shall be conclusive evidence of the  
12 events related therein.

13           "(b) Nothing in this section shall preclude a  
14 board from applying a specific statutory provision in  
15 the licensing act administered by that board that  
16 provides for discipline based upon a disciplinary  
17 action taken against the licensee by another state, an  
18 agency of the federal government, or another country."

19                           **FIRST CAUSE FOR DISCIPLINE**

20                           (Discipline Imposed By Another State)

21           4. Respondent Dolin is subject to disciplinary action  
22 under section 141 of the Business and Professions Code in that on  
23 September 13, 1995, the State of New York, Department of Health,  
24 State Board for Professional Medical Conduct, imposed discipline  
25 on respondent's license to practice medicine in that state by  
26 placing respondent on four (4) years probation with terms and  
27 conditions and a \$10,000 fine (\$5,000 suspended upon compliance

1 with terms of order). The circumstances are as follows:

2 A. From in or about January 2, 1991 through  
3 November 27, 1992, respondent unlawfully prescribed  
4 over 8,000 Percocet tablets, a Schedule II controlled  
5 substance to M.D., who was an addict or habitual user.

6 B. From in or about January 2, 1991 through  
7 November 27, 1992, respondent on 61 occasions  
8 prescribed Percocet to M.D. in excess of a 30 day  
9 supply.

10 C. From in or about January 21, 1991 through  
11 November 27, 1992, respondent failed to maintain  
12 appropriate written patient records for patient M.D.

13 D. From in or about January 21, 1991 through  
14 November 27, 1992, respondent failed to maintain  
15 adequate safeguard and security measures to assure  
16 against loss destruction, theft or unauthorized use of  
17 official New York state prescription forms.

18 Attached as Exhibit A is a true and correct copy of the  
19 Consent Order, Application for Consent Order and Statement of  
20 Charges from the State of New York.

21 **PRAYER**

22 **WHEREFORE**, the complainant requests that a hearing be  
23 held on the matters herein alleged, and that following the  
24 hearing, the Division issue a decision:

25 1. Revoking or suspending Physician's and Surgeon's  
26 Certificate Number G28970, heretofore issued to respondent  
27 Michael Glen Dolin, M.D.;

1           2.    Revoking, suspending or denying approval of the  
2 respondent's authority to supervise physician's assistants,  
3 pursuant to Business and Professions Code section 3527;

4           3.    Ordering respondent to pay the Division the actual  
5 and reasonable costs of the investigation and enforcement of this  
6 case;

7           4.    Taking such other and further action as the  
8 Division deems necessary and proper.

9           DATED:   March 21, 1996 .

10

11

12

13

14

15

16

17

18

19

20

21

22


23

24

25

26

27

  
\_\_\_\_\_  
RONALD JOSEPH  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant

03573160-  
SA96AD0188  
(SM 3/8/96)

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**RECEIVED**

**E X H I B I T      A**



The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Karen Schimke  
*Executive Deputy Commissioner*

PATRICIA A. RUTH  
Notary Public, State of New York  
Qualified in Rensselaer County  
Commission expires Feb. 28, 1997  
No. 4524667



Barbara A. DeBuono, M.D., M.P.H.  
Commissioner

**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.  
Executive Secretary

September 18, 1995

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Michael Dolin, M.D.  
918 Meadow Lane  
Henderson, North Carolina 27530

RE: License No. 108683

Dear Dr. Dolin:

Effective Date: 09/25/95

Enclosed please find Order #BPMC 95-228 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.  
Chairman  
Board for Professional Medical Conduct

Enclosure

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MICHAEL DOLIN, M.D.

CONSENT  
ORDER

BPMC #95-228

Upon the application of MICHAEL DOLIN, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 13 September 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MICHAEL DOLIN, M.D.

APPLICATION  
FOR  
CONSENT ORDER

STATE OF NEW YORK )  
COUNTY OF NASSAU ) ss.:

MICHAEL DOLIN, M.D., being duly sworn, deposes and says:

That on or about July 1, 1971, I was licensed to practice as a physician in the State of New York, having been issued License No. 108683 by the New York State Education Department.

My current address is *918 Meadow Lane  
Henderson N.C. 27530*, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification, in full satisfaction of the charges against me. I hereby agree to the penalty of four years probation. The terms of probation are included in Exhibit B, are annexed to this consent application and made a part of this application. Said probation is stayed until such time as I practice Medicine in the State of New York.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an

admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



MICHAEL DOLIN, M.D.  
RESPONDENT

Sworn to before me this

23 day of August, 1995

Leborat J. Cannady  
NOTARY PUBLIC

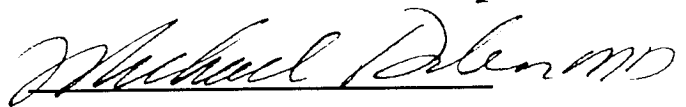
NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MICHAEL DOLIN, M.D.

APPLICATION  
FOR  
CONSENT ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 8-23-95



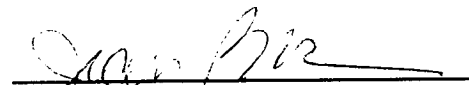
MICHAEL DOLIN, M.D.  
Respondent

DATE: 8-29-95



MELVYN ROTH, ESQ.  
Attorney for Respondent

DATE: 9-6-95



JEAN BRESLER  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: September 8 1995

Anne Sack  
KATHLEEN M. TANNER  
Director  
Office of Professional Medical  
Conduct

DATE: 13 September 1995

Charles J. Vacanti  
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MICHAEL DOLIN, M.D.

STATEMENT  
OF  
CHARGES

Michael Dolin, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1971, by the issuance of license number 108683 by the New York State Education Department.

FIRST SPECIFICATION

- A. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(e)(McKinney Supp. 1995) in that he has been found by the Commissioner of Health to be in violation of Article 33 of the Public Health Law.
1. On or about November 14, 1994, by Stipulation and order of the New York State Department of Health, the Respondent was found to be in violation of: Public Health Law Sections 3304(1) 3331(1), 3350 and 10 NYCRR 80.62, in that on at least 45 occasions, during the period January 2, 1991 through November 27, 1992, the Respondent unlawfully prescribed over 8,000 Percocet tablets, a Schedule II Controlled Substance, to M.D., an addict or habitual user; Public Health Law Sections 3304(1), 3332(3) and 10 NYCRR 80.67(c) in that on 61 occasions between January 2, 1991 and November 27, 1992, he prescribed Percocet in excess of a 30 day supply to M.D.; NYCRR 80.62(b) in that he

prescribed over 8000 Percocet tablets for M.D. between January 21, 1991 and November 27, 1992, but failed to maintain appropriate written patient records for this individual; 10 NYCRR 80.77(a) between January 2, 1991 and November 27, 1992, Respondent failed to maintain adequate safeguard and security measures to assure against loss destruction, theft or unauthorized use of official New York state prescription forms. During this period 43 official prescription forms, issued to the Respondent, were forged to unlawfully obtain at least 7,250 Percocet tablets.

2. A penalty of \$10,000 was assessed against the Respondent \$5,000 of which was suspended contingent upon compliance with the terms of the order.

DATED: May , 1995  
New York, New York

---

ROY NEMRSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"  
TERMS OF PROBATION

1. MICHAEL DOLIN, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
7. During the period of probation, Respondent shall keep an inventory of all prescriptions written, all dispensing of medication, all wasting of medication and all controlled substances on hand.
8. During the period of probation, Respondent shall obtain a practice supervisor approved in advance by the Director of the Office of

Professional Medical Conduct, or her designee. During the period of probation, said practice monitor shall oversee the Respondent's prescribing, dispensing, inventorying and wasting of controlled substances. Said practice monitor shall make quarterly reports to the Office of Professional Medical Conduct.

9. During the period of probation, Respondent shall not prescribe for himself or any family member.
10. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
11. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, prior to any change in that status.